

**Security Council**

Distr.: General
16 September 2009

Original: English

Identical letters dated 11 September 2009 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General and the President of the Security Council

In connection with the forthcoming meeting of the Security Council, at the level of Heads of State and Government, to be held on 24 September 2009, on nuclear non-proliferation and nuclear disarmament, I have the pleasure, on behalf of the member States of the Non-Aligned Movement (NAM), to bring herewith to the attention of the Security Council the related paragraphs reflecting the positions of NAM on this important issue incorporated in the Final Document adopted by the XV Summit of Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh, Egypt, on 16 July 2009 (see annex).

I trust that this contribution by the Non-Aligned Movement will enrich the deliberations of the Security Council on this issue and that it would be duly taken into consideration in the formulation of any document to be adopted by the Security Council at the end of this important summit.

I request that the present letter and its annex be circulated as a document of the Security Council and distributed in its current form to the members of the Security Council.

(Signed) Maged A. **Abdelaziz**
Ambassador
Permanent Representative



Annex to identical letters dated 11 September 2009 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General and the President of the Security Council

Excerpts from the Final Document adopted at the XV Summit of Heads of State and Government of the Non-Aligned Movement, Sharm el-Sheikh, Egypt, 16 July 2009

Section on “Disarmament and International Security”, select paragraphs relating to “Nuclear Disarmament and Nuclear Non-Proliferation”:

104 The Heads of State and Government *reaffirmed* and *reiterated* the long-standing principled positions of the Movement on disarmament and international security, including the decisions taken at the XII Summit in Durban in 1998, the XIII Summit in Kuala Lumpur in 2003, the XIV Summit in Havana in 2006, the XIII Ministerial Conference in Cartagena in 2000, the XIV Ministerial Conference in Durban in 2004, the Ministerial Meeting held in Putrajaya, Malaysia, in 2006, and the XV Ministerial Conference held in Teheran, Islamic Republic of Iran, in 2008.

105 The Heads of State and Government *reiterated* their continued grave concern over the current difficult and complex situation in the field of disarmament and international security. In this regard, they called for renewed efforts to resolve the current impasse in achieving nuclear disarmament and nuclear non-proliferation in all its aspects.

106 While *reaffirming* the absolute validity of multilateral diplomacy in the field of disarmament and non-proliferation, the Heads of State and Government *reiterated* their determination to promote multilateralism as the core principle of negotiations in the area of disarmament and non-proliferation, and in this regard, they *welcomed* the adoption of General Assembly resolution 63/50 on Promotion of multilateralism in the area of disarmament and non-proliferation.

107 The Heads of State and Government *reiterated* their strong concern at the growing resort to unilateralism and in this context, underlined that multilateralism and multilaterally agreed solutions, in accordance with the United Nations Charter, provide the only sustainable method of addressing disarmament and international security issues.

108 The Heads of State and Government *reaffirmed* the Movement's principled positions on nuclear disarmament, which remains its highest priority, and on the related issue of nuclear non-proliferation in all its aspects and *stressed* the importance that efforts aiming at nuclear non-proliferation should be parallel to simultaneous efforts aiming at nuclear disarmament. They *stressed* their concern at the threat to humanity posed by the continued existence of nuclear weapons and of their possible use or threat of use. They *reiterated* deep concern over the slow pace of progress towards nuclear disarmament and the lack of progress by the Nuclear-Weapons States (NWS) to accomplish the total elimination of their nuclear arsenals.

They *underscored* the need for the NWS to implement the unequivocal undertaking that they provided in 2000 so as to accomplish the total elimination of nuclear weapons and *emphasized*, in this regard, the urgent need to commence negotiations on nuclear disarmament without delay.

109 The Heads of State and Government, while noting the recent statements by NWS of their intention to pursue actions in achieving a world free of nuclear weapons, reaffirmed the need for urgent concrete actions by the NWS to achieve this goal.

110 The Heads of State and Government *remained* deeply concerned at strategic defence doctrines of NWS, including the "NATO Alliance Strategic Concept", which not only set out rationales for the use or threat of use of nuclear weapons, but also maintain unjustifiable concepts on international security based on promoting and developing military alliances and nuclear deterrence policies.

111 The Heads of State and Government *reiterated* that improvements in existing nuclear weapons and the development of new types of nuclear weapons as envisaged in the United States Nuclear Posture Review contravene the security assurances provided by the NWS. They further *reaffirmed* that these improvements as well as the development of new types of such weapons violate the commitments undertaken by the NWS at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

112 The Heads of State and Government *emphasized* that progress in nuclear disarmament and nuclear non-proliferation in all its aspects is essential to strengthening international peace and security. They *reaffirmed* that efforts toward nuclear disarmament, global and regional approaches and confidence building measures complement each other and should, wherever possible, be pursued simultaneously to promote regional and international peace and security.

113 The Heads of State and Government *reaffirmed* the importance and the relevance of the United Nations Disarmament Commission (UNDC) as the sole specialised, deliberative body within the United Nations multilateral disarmament machinery. They continued to *fully support* the work of the UNDC and *expressed* regret that UNDC was unable to reach agreement on recommendations on its two agenda items during substantive sessions of its three-year cycle ending in April 2008 due to the lack of political will and inflexible positions of certain Nuclear-Weapons States, despite NAM's constructive role and concrete proposals throughout the deliberations, especially in the Working Group on "Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons". The Heads of State and Government, while recalling the proposals submitted by the Movement, during the 2009 substantive session, called upon United Nations Member States to display the necessary political will and flexibility in order to achieve agreement on its recommendations in the UNDC's future sessions.

114 The Heads of State and Government reaffirmed the importance of the Conference on Disarmament (CD) as the sole multilateral negotiating body on disarmament, and reiterated their call on the CD to agree on a balanced and comprehensive program of work by, inter alia, establishing an ad hoc committee on nuclear disarmament as soon as possible and as the highest priority. They emphasized the necessity to start negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time, including a

Nuclear Weapons Convention. They reaffirmed the importance of the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

115 The Heads of State and Government, *reaffirming* the importance of the Conference on Disarmament (CD), as the sole multilateral disarmament negotiating forum, *noted* the adoption of the Program of Work for the 2009 session (CD/1864) by the CD on 29 May 2009 after years of stalemate. They *expressed* their appreciation to the Members and Presidents of the Conference, in particular Algeria, for their tireless efforts in this regard. The Heads of State and Government *agreed* to continue coordination of efforts at the NAM Chapter in Geneva.

116 The Heads of State and Government *reiterated* their support for the convening of the Fourth Special Session of the United Nations General Assembly devoted to Disarmament (SSOD-IV) and further *reiterated* their deep concern over the persistent lack of consensus to date, despite efforts made in 2007. Appreciating the role of the Chair of the open-ended working group in 2007, selected from NAM, the Heads of State and Government recalled the concrete proposals and the consistent and constructive efforts of the Movement to reach agreement among all United Nations Member States. They regretted the lack of political will of a certain State in obstructing consensus at the time. The Heads of State and Government *also stressed* the importance of the General Assembly to continue its active consideration with a view to reaching consensus on the objectives, agenda, and the establishment of a preparatory committee for the SSOD-IV, including by reconvening the open-ended working group to consider the objectives and agenda, including the possible establishment of the preparatory committee for SSOD-IV. NAM would request, at an appropriate time, the convening of the open-ended working group.

117 The Heads of State and Government again called for an international conference to identify ways and means of eliminating nuclear dangers, at the earliest possible date, with the objective of arriving at an agreement on a phased programme for the complete elimination of nuclear weapons with a specified framework of time to eliminate all nuclear weapons, to prohibit their development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction.

118 The Heads of State and Government *reaffirmed* that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons and *reaffirmed* further that non-NWS should be effectively assured by NWS against the use or threat of use of nuclear weapons. Pending the total elimination of nuclear weapons, they reaffirmed the need for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-NWS as a matter of priority. They *noted* the establishment in 1998 of an Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapons States against the use or threat of use of nuclear weapons in the Conference on Disarmament to negotiate universal, unconditional and legally binding security assurances to all non-NWS.

119 The Heads of State and Government *stressed* the significance of achieving universal adherence to the CTBT, including by all NWS, which, *inter alia*, should contribute to the process of nuclear disarmament. They *reiterated* that if the

objectives of the Treaty were to be fully realized, the continued commitment of all States signatories, especially the NWS, to nuclear disarmament would be essential.

120 The Heads of State and Government, while *noting* the entry into force of the 2002 Moscow Treaty between the Russian Federation and the United States, *stressed* that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons, and *called on* the United States and the Russian Federation to apply the principles of transparency, irreversibility and verifiability to further reduce their nuclear arsenals, both warheads and delivery systems, under the Treaty. While taking note of the positive signals by the United States and the Russian Federation on their negotiations on the replacement of the Strategic Arms Reduction Treaty (START I), which is due to expire by the end of 2009, the Heads of State and Government *urged* them to conclude such negotiations urgently in order to achieve further deep cuts in their strategic and tactical nuclear weapons. The Heads of State and Government *further stressed* that such cuts should be irreversible, verifiable and transparent.

121 The Heads of State and Government continued to be concerned over the negative implications of the development and deployment of anti-ballistic missile (ABM) defence systems and the threat of weaponization of outer space which have, *inter alia*, contributed to the further erosion of an international climate conducive to the promotion of disarmament and the strengthening of international security. The abrogation of the ABM Treaty brings new challenges to strategic stability and the prevention of the arms race in outer space. They *remained* concerned that the implementation of a national missile defence system could trigger an arms race(s) and the further development of advanced missile systems and an increase in the number of nuclear weapons.

124 The Heads of State and Government believed that the establishment of nuclear-weapon-free zones (NWFZs) created by the treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba, the Central Asian nuclear-weapon-free zone treaty as well as Mongolia's nuclear-weapon-free-status are positive steps and important measures towards strengthening global nuclear disarmament and nuclear non-proliferation and they *welcomed* the entry into force of the Treaty on a nuclear-weapon-free zone in Central Asia on 21 March 2009 as an effective contribution to strengthening regional and global peace and security. They *reiterated* that in the context of NWFZs, it is essential that NWS should provide unconditional assurances against the use or threat of use of nuclear weapons to all States of the zone. They *urged* States to conclude agreements freely arrived at among the States of the region concerned with a view to establishing new NWFZs in regions where they do not exist, in accordance with the provisions of the Final Document of the First Special Session of the General Assembly devoted to Disarmament (SSOD-I) and the principles adopted by the 1999 United Nations Disarmament Commission. Recalling the convening and the outcome of the First Conference of the States Parties and Signatories to Treaties that Established Nuclear Weapon Free Zones held in Tlatelolco, Mexico, from 26 to 28 April 2005, the Heads of State and Government *called on* the States parties and signatories to the Treaties of NWFZs to implement further ways and means of co-operation among themselves, their treaty agencies and other interested States. In this regard, they took note of the Focal Points Meeting of NWFZ Treaties and Mongolia, held from 27-28 April 2009 in Ulaanbaatar. They *expressed* their support for Mongolia's policy in institutionalizing its nuclear-weapon-free status. In this regard they welcomed the start of the talks by Mongolia

with its two neighbours to conclude the required legal instrument and expressed their hope that it would soon result in the conclusion of an international instrument institutionalizing the status.

125 The Heads of State and Government *reiterated* their support for the establishment in the Middle East of a zone free of all weapons of mass destruction. As a priority step to this end, they *reaffirmed* the need for the speedy establishment of a NWFZ in the Middle East in accordance with the Security Council resolution 487 (1981) and paragraph 14 of the Security Council resolution 687 (1991) and the relevant General Assembly resolutions adopted by consensus. They called upon all parties concerned to take urgent and practical steps towards the fulfilment of the proposal initiated by Iran in 1974 for the establishment of such a zone and, pending its establishment, they demanded on Israel, the only country in the region that has not joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) nor declared its intention to do so, to renounce possession of nuclear weapons, to accede to the NPT without delay, to place promptly all its nuclear facilities under IAEA full-scope safeguards according to Security Council resolution 487 (1981) and to conduct its nuclear-related activities in conformity with the non-proliferation regime. They called for the earliest implementation of relevant IAEA resolutions on "Application of IAEA Safeguards in the Middle East". They *expressed* great concern over the acquisition of nuclear capability by Israel which poses a serious and continuing threat to the security of neighbouring and other States, and *condemned* Israel for continuing to develop and stockpile nuclear arsenals. In this context they also *condemned* the statement made by the Prime Minister of Israel on 11 December 2006, related to the possession of nuclear weapons by Israel. They *urged* the continued consideration of the issue of Israeli nuclear capabilities in the context of the IAEA, including at the General Conference at its 53rd Session. They were of the view that stability cannot be achieved in a region where massive imbalances in military capabilities are maintained particularly through the possession of nuclear weapons, which allow one party to threaten its neighbours, and the region. They further *welcomed* the initiative by H.E. Mr. Mohammed Hosni Mubarak, President of the Arab Republic of Egypt, on the establishment of a zone free from weapons of mass destruction in the Middle East, and in this context, they took into consideration the draft resolution tabled by the Syrian Arab Republic, on behalf of the Arab Group, before the Security Council on 29 December 2003 on the establishment of a zone free of all weapons of mass destruction in the Middle East. They *stressed* that necessary steps should be taken in different international fora for the establishment of this zone. They also called for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear-related scientific or technological fields to Israel. In this regard, they *expressed* their serious concern over the continuing development whereby Israeli scientists are provided access to the nuclear facilities of one NWS. This development will have potentially serious negative implications on security in the region as well as the reliability of the global non-proliferation regime.

126 The Heads of State and Government *expressed* their support for the efforts of the Arab Group in Vienna to keep the question of the Israeli Nuclear capabilities under consideration of the General Conference of the IAEA at its 53rd Session.

127 The Heads of State and Government *underscored* the Movement's principled position concerning non-use or threat of use of force against the territorial integrity

of any State. In this regard, they *condemned* the Israeli attack against a Syrian facility on September 6, 2007, which constitutes a flagrant violation of the United Nations Charter and *welcomed* Syria's cooperation with the IAEA in this regard.

129 The Heads of State and Government *emphasized* the importance of the United Nations activities at the regional level to increase the stability and security of its Member States, which could be promoted in a substantive manner by the maintenance and revitalization of the three regional centres for peace and disarmament.

130 The Heads of State and Government of the States Parties to the NPT, while *reaffirming* the package of agreements of the 1995 Review and Extension Conference of the NPT and the Final Document of the 2000 Review Conference of the NPT, *reiterated* their disappointment at the inability of the 2005 Review Conference of the NPT to agree on substantive recommendations. While recognizing the crucial role of the NPT in nuclear disarmament, nuclear non-proliferation and the peaceful uses of nuclear energy, the Heads of State and Government of the States Parties to the NPT *agreed* to make every effort to reach a successful outcome at the 2010 Review Conference of the NPT and called upon nuclear-weapon States to reiterate their full respect for their obligations under the Treaty, in particular in the area of nuclear disarmament, and the outcomes of its Review Conferences, in particular the 1995 Review and Extension Conference and the 2000 Review Conference and undertake practical measures thereto in order to arrive at a successful outcome of the 2010 Review Conference.

131 The Heads of State and Government of the States Parties to the NPT *reiterated* their call for the firm commitment by all States parties to the Treaty to the implementation of all the provisions of the Treaty and called for the full implementation of the 13 practical steps for systematic and progressive efforts to implement Article VI of the Treaty, particularly an unequivocal undertaking by the NWS to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. Pending the total elimination of nuclear weapons, they also recalled that the Final Document of the 2000 Review Conference of the NPT *reiterated* that legally binding security assurances by the five NWS to the non-NWS parties to the Treaty strengthen the nuclear non-proliferation regime. They underlined the importance to establish subsidiary bodies to the relevant Main Committees of the 2010 Review Conference of the NPT to deliberate on practical steps for systematic and progressive efforts to eliminate nuclear weapons; to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the NPT; and to consider and adopt a legally binding international instrument on unconditional security assurances to non-nuclear-weapon States. In this regard, they *emphasized* the need for the Preparatory Committee meetings to continue to allocate specific time for deliberations on nuclear disarmament, implementation of the 1995 resolution on the Middle East and security assurances. They recalled the agreement that the Review Conference will be chaired by a representative from the Movement.

132 The Heads of State and Government of the States Parties to the NPT called upon the NWS to implement their commitments not to use or threaten to use nuclear weapons against non-NWS parties to the Treaty or NWFZs at any time or under any circumstances, pending the conclusion of a legally binding instrument on security assurances.

133 The Heads of State and Government *reaffirmed* the inalienable right of developing countries to engage in research, production and use of nuclear energy for peaceful purposes without discrimination. They continued to *note* with concern that undue restrictions on exports to developing countries of material, equipment and technology, for peaceful purposes persist. They again *emphasized* that proliferation concerns are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements. Non-proliferation control arrangements should be transparent and open to participation by all States, and should ensure that they do not impose restrictions on access to material, equipment and technology for peaceful purposes required by developing countries for their continued development. The Heads of State and Government *expressed* their full confidence in the impartiality and professionalism of the IAEA and *strongly rejected* attempts by any State to politicize the work of the IAEA, including its technical cooperation programme, in violation of the IAEA Statute.

134 The Heads of State and Government of the States Parties to the NPT *emphasized* once more that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II, and III of the Treaty. They *stressed* that this right constitutes one of the fundamental objectives of the Treaty. In this connection, they confirmed that each country's choices and decision in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

135 The Heads of State and Government stressed particularly the responsibility of developed countries to promote the legitimate need of nuclear energy of the developing countries, by allowing them to participate to the fullest extent possible in the transfer of nuclear equipment, materials, scientific and technological information for peaceful purposes with a view to achieving the largest benefits and applying pertinent elements of sustainable development in their activities.

136 The Heads of State and Government highlighted that the issue of multilateral approaches to the nuclear fuel cycle should be conducted through wide, integral and transparent consultations and negotiations, focusing on its technical, legal, political and economical implications, before any decision is taken about this complex and sensitive matter. The Heads of State and Government emphasized that decisions should be made by consensus, with the participation of all IAEA member States, and any proposal from IAEA must be consistent with its Statute, without any prejudice to the inalienable right of its member States to research, develop and use for peaceful purposes of nuclear sciences, in all its aspects.

137 The Heads of State and Government *emphasizing* the importance of the positive role played by the Non-Aligned Members in the IAEA, *stressed* the necessity that all members of the IAEA strictly observe its Statute. They *stressed* that any undue pressure or interference in the Agency's activities, especially its verification process, which could jeopardize the efficiency and credibility of the Agency, should be avoided. They recognised that the IAEA is the sole competent authority for verification of compliance with the obligations under the respective safeguard agreements of the Member States. They also *reaffirmed* that a clear distinction has to be made between the legal obligations of Member States under their respective

safeguards agreements and their voluntary undertakings, in order to ensure that such voluntary undertakings are not turned into legal safeguards obligations.

138. The Heads of State and Government *stressed* that the discussion of the IAEA's future role until 2020 and beyond is an issue of extraordinary importance for all IAEA member States, in particular for NAM members. Therefore it should be conducted through a transparent and careful deliberation process, with active participation of all IAEA member States. Any decision in this regard should take into account the interests of all IAEA member States in order to achieve consensus.

139. The Heads of State and Government *reaffirmed* the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities — operational or under construction — poses a great danger to human beings and the environment, and constitutes a grave violation of international law, principles and purposes of the United Nations Charter and regulations of the IAEA. They recognised the need for a comprehensive multilaterally negotiated instrument prohibiting attacks or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

140. The Heads of State and Government *affirmed* the need to strengthen the Radiological Safety and Protection Systems at facilities utilising radioactive materials as well as at radioactive waste management facilities, including the safe transportation of these materials. They *reaffirmed* the need to strengthen existing international regulations relating to safety and security of transportation of such materials. While *reiterating* the need to take appropriate measures to prevent any dumping of nuclear or radioactive wastes, they called for effective implementation of the Code of Practice on the International Transboundary Movement of Radioactive Waste of the IAEA as a means of enhancing the protection of all States from the dumping of radioactive wastes on their territories.

141. The Heads of State and Government *stressed* that the issue of proliferation should be resolved through political and diplomatic means, and that measures and initiatives taken in this regard should be within the framework of international law; relevant conventions; the United Nations Charter, and should contribute to the promotion of international peace, security and stability.

142. The Heads of State and Government commended the continued work of the NAM Working Group on Disarmament, under the chairmanship of Indonesia, in coordinating issues of common concern to the Movement in the field of disarmament and non-proliferation. They *encouraged* all NAM delegations to actively participate at the international disarmament meetings with a view to promote and achieve the objectives of the Movement.

143. Consistent with and guided by the aforementioned principled positions and *affirming* the need to promote, defend and preserve these positions, the Heads of State and Government *agreed* to:

163.1 Continue to pursue the positions and priorities of the Movement, as appropriate, in the relevant international fora; and

163.2 Task the NAM Coordinating Bureau to undertake efforts, as appropriate, with a view to achieving the objectives of the Movement at disarmament and international security meetings.

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